

## MEMORANDUM

TO: Members, Public Disclosure Commission

FROM: Susan Harris, Assistant Director

DATE: October 22, 2002

RE: Dismissal of Allegations in Citizen Action Letter filed by Richard Pope

On August 9, 2002, Richard Pope submitted a Citizen Action Letter (45-day letter), pursuant to RCW 42.17.400, alleging that the Washington State Democratic Central Committee (WSDCC) and several out-of-state or federal political committees violated RCW 42.17.090(1)(l). Mr. Pope alleges that the out-of-state or federal committees contributed to the WSDCC and failed to file a C-5 report within 10 days of the WSDCC receiving the funds. Therefore, the funds received by the WSDCC must be forfeited to the state of Washington. Those committees are:

- ◆ The Democratic Senatorial Campaign Committee (DSCC)
- ◆ The Democratic Congressional Campaign Committee (DCCC)
- ◆ International Brotherhood of Electrical Workers COPE (IBEW COPE)
- ◆ DRIVE (Teamsters political committee)
- ◆ The Native American and Peace Officers PAC
- ◆ The Democratic National Committee (DNC)
- ◆ The Democratic Legislative Campaign Committee (DLCC)
- ◆ Communication Workers of America COPE (CWA COPE)
- ◆ Ironworkers PAC
- ◆ International Association of Machinists Non-Partisan PAC (IAM PAC)
- ◆ National Committee for Effective Congress (NCEC)

After investigating Mr. Pope's allegations, staff recommends that you dismiss the allegations against all of the above named entities.

### **Dismissals Based on Reporting Modification Requests**

At your October 29, 2002 Commission meeting, you will be considering reporting modification requests from the DSCC, the DCCC, IBEW COPE, DRIVE, the Native American and Peace Officers PAC, and the DNC. If those reporting modifications are granted, you will have retroactively relieved the political committees from the requirement to file C-5 reports and the WSDCC will not be required forfeit the contributions it received from these political committees. Staff recommends that, if retroactive reporting modifications are granted, you dismiss the allegations that the DNC, DCCC, DSCC, the Native American Peace Officers PAC, IBEW COPE and DRIVE violated RCW 42.17.090(1)(l) by failing to timely file C-5 reports.

### **Dismissals Based on Other Facts**

#### The Democratic Legislative Campaign Committee

- During 2000, the WSDCC received six contributions from the DLCC.
- The PDC received timely C-5 report updates from the DLCC for four of the contributions, but did not timely receive C-5 reports for the first or last contributions.
- The four updates submitted timely by the DLCC refer to an original C-5 report submitted on August 20, 2000. Staff has no reason to doubt that the DLCC actually mailed the report, but it was not received. A copy of the original C-5 was received by PDC on August 23, 2002.
- The DLCC also believes that it mailed an update for the last contribution it gave to the WSDCC. A letter update was received by PDC on October 3, 2002.
- Based on the DLCC's timely filing of 4 updates to C-5 reports, referencing the fact that they believed they had timely filed the original C-5, and their belief that they had timely reported the last contribution, staff recommends that the allegations that the DLCC violated RCW 42.17.090(1)(l) be dismissed.

#### Communication Workers of America COPE

- According to Margaret McCormick, Counsel for CWA, the contribution was made from CWA's non-voluntary compulsory dues account.
- Since the contribution was from CWA's general treasury and not from a political committee, CWA was not required to file a C-5 report.
- Staff recommends that the allegations that CWA COPE violated RCW 42.17.090(1)(l) be dismissed.

#### Ironworkers PAC

- The Ironworkers PAC made a contribution to the WSDCC federal account. (See attachment 1.)
- In error, the WSDCC deposited the funds into their state exempt account.
- On October 14, 2002, the WSDCC returned the contribution to the Ironworkers PAC. (See attachment 2.)

- Staff recommends that the allegations that the Ironworkers PAC violated RCW 42.17.090(1)(l) be dismissed.

International Association of Machinists Non-Partisan PAC

- On September 19, 2000, the IAM PAC made two contributions to Washington State political committees, one of them being the WSDCC.
- The WSDCC reported its contribution on time.
- IAM PAC filed a C-5 (including the list of contributors) within 10 days of making the contributions.
- The C-5 failed to include the contribution to the WSDCC.
- The contribution was disclosed on IAM PAC's Federal Election Commission report filed September 20, 2000, the day after the contribution was made to the WSDCC.
- Staff recommends that the allegations that IAM PAC violated RCW 42.17.090(1)(l) be dismissed.

National Committee for Effective Congress

- The NCEC made a contribution to the WSDCC federal account. (See attachment 3.)
- In error, the WSDCC deposited the funds into their state exempt account.
- On October 14, 2002, the WSDCC returned the contribution to the NCEC. (See attachment 4.)
- Staff recommends that the allegation that the NCEC violated RCW 42.17.090(1)(l) be dismissed.

Washington State Democratic Central Committee

Dismissal of the allegations that the WSDCC failed to forfeit contributions received from the above referenced entities would be appropriate if:

1. a retroactive reporting modification is granted to the DSCC, the DCCC, IBEW COPE, DRIVE, the Native American and Peace Officers PAC and the DNC, and
2. the Commission has dismissed the allegations against the DLCC, CWA COPE, Ironworkers PAC, IAM PAC and NCEC.